

House Study Bill 684

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to registration requirements for sex offenders.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 5974HC 82
4 jm/rj/14

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1 1 Section 1. Section 692A.2, subsection 1, paragraph c, Code
1 2 2007, is amended to read as follows:
1 3 c. From the date of release as a juvenile from group
1 4 foster care or residential treatment.
1 5 Sec. 2. Section 692A.2, subsection 6, Code 2007, is
1 6 amended to read as follows:
1 7 6. A person is not required to register while
1 8 incarcerated, in group foster care, or in a state or private
1 9 residential treatment program.
1 10 6A. A person who is convicted, as defined in section
1 11 692A.1, of a criminal offense against a minor, an aggravated
1 12 offense, sexual exploitation, a sexually violent offense, or
1 13 an other relevant offense as a result of an adjudication of
1 14 delinquency in juvenile court shall be required to register as
1 15 required in this chapter unless the juvenile court finds,
1 16 pursuant to section 692A.2B, suspends the registration
1 17 requirement, and finds that the person should not be required
1 18 to register under this chapter or orders that the person
1 19 register for a period other than required by this chapter. If
1 20 a juvenile is required to register and the court later
1 21 modifies the order regarding the suspension of the requirement
1 22 to register or modifies the period of registration pursuant or
1 23 section 692A.2B, the court shall immediately notify the
1 24 department.
1 25 6B Convictions of more than one offense which require
1 26 registration under this chapter but which are prosecuted
1 27 within a single indictment shall be considered as a single
1 28 offense for purposes of registration.
1 29 Sec. 3. NEW SECTION. 692A.2B SUSPENSION OR MODIFICATION
1 30 OF REGISTRATION.
1 31 1. A person who is required to register under this chapter
1 32 as the result of an adjudication of delinquency may file a
1 33 motion to suspend or modify registration requirements under
1 34 this chapter. The juvenile court, after notice to all
1 35 parties, and upon hearing, may suspend the registration
2 1 requirements of the person, or modify the registration
2 2 requirements of the person for a period other than required by
2 3 this chapter as provided in subsection 3.
2 4 2. A person who is required to register under this chapter
2 5 as the result of an adjudication of delinquency is only
2 6 eligible to file a motion to suspend the registration
2 7 requirements, and the motion must be filed and hearing must be
2 8 held prior to the discharge of the person from juvenile court
2 9 jurisdiction for the offense requiring registration. An order
2 10 that suspends the registration requirements shall include
2 11 written findings that a departure from the registry
2 12 requirements is warranted and shall include appropriate
2 13 restrictions upon the person to protect the public during the
2 14 suspension of the registry requirements. If an order is
2 15 entered suspending the registration requirements in juvenile
2 16 court and the person is discharged from the jurisdiction of
2 17 juvenile court, any modifications of the suspension order
2 18 shall be made in district court.
2 19 a. If the person has been ordered to participate or is

2 20 participating in an appropriate outpatient treatment program
2 21 for juvenile sex offenders, the juvenile court may temporarily
2 22 suspend the registration requirement and may defer hearing on
2 23 the motion filed pursuant to subsection 1, until the person
2 24 has completed treatment or has been discharged from the
2 25 treatment program.

2 26 b. A final order on the motion shall be entered within
2 27 thirty days from the date of completion or discharge from
2 28 treatment.

2 29 3. Notwithstanding any of other provisions of this chapter
2 30 to the contrary, if a person committed an offense requiring
2 31 registration as a minor, the court having jurisdiction over
2 32 the offense may, upon motion of the person, and after
2 33 reasonable notice and hearing, order the person to register
2 34 for a period other than required by this chapter. The court
2 35 shall make written findings that a period other than required
3 1 by this chapter is warranted based upon any of the following:

3 2 a. The successful completion of treatment.

3 3 b. The age of the person when the commission of the
3 4 offense occurred.

3 5 c. The nature of the offense.

3 6 d. Any other information deemed relevant by the court.

3 7 EXPLANATION

3 8 This bill relates to registration requirements for sex
3 9 offenders.

3 10 The bill specifies that a person is not required to
3 11 register while the person is in group foster care or in a
3 12 state or private residential treatment program. Currently, a
3 13 person is not required to register if the person is in foster
3 14 care or in a residential treatment program.

3 15 The bill provides that a juvenile, including a juvenile
3 16 convicted of an aggravated offense, who is adjudicated of an
3 17 offense that requires registration shall register as a sex
3 18 offender unless the court, upon motion of the person required
3 19 to register, suspends the registration requirement or orders
3 20 the person to register for a period other than required by
3 21 law. Currently, a juvenile must register as required unless
3 22 the juvenile court finds that the person should not register.
3 23 In addition, under current law, a juvenile convicted of an
3 24 aggravated offense must register without exception.

3 25 Under the bill, a person who is required to register under
3 26 this Code chapter as the result of an adjudication of
3 27 delinquency may file a motion to suspend or modify
3 28 registration requirements. The juvenile court may suspend the
3 29 registration requirements of the person, or modify the
3 30 registration requirements of the person for a period other
3 31 than required if warranted, and appropriate restrictions are
3 32 placed upon the person to protect the public during the period
3 33 of suspension.

3 34 If an order is entered suspending the registration
3 35 requirements under the bill, and the person is discharged from
4 1 the jurisdiction of juvenile court, any modifications of the
4 2 suspension order shall be made in district court.

4 3 Under the bill, a person who is required to register under
4 4 this Code chapter as the result of an adjudication of
4 5 delinquency is only eligible to file a motion to suspend the
4 6 registration requirements, and the motion must be filed and
4 7 hearing must be held prior to the discharge of the person from
4 8 juvenile court jurisdiction.

4 9 Under the bill, if the person has been ordered to
4 10 participate or is participating in an appropriate outpatient
4 11 treatment program for juvenile sex offenders, the juvenile
4 12 court may temporarily suspend the registration requirement and
4 13 may defer hearing on the motion filed pursuant the bill, until
4 14 the person has completed treatment or has been discharged from
4 15 the treatment program.

4 16 Under the bill, if a person committed an offense requiring
4 17 registration as a minor, the court having jurisdiction over
4 18 the offense may, upon motion of the person, order the person
4 19 to register for a period other than required by law. If the
4 20 court orders registration for a period other than required by
4 21 law, the court shall make written findings that a period other
4 22 than required by law is warranted based upon the successful
4 23 completion of treatment, the age of the person when the
4 24 commission of the offense occurred, the nature of the offense,
4 25 or any other information deemed relevant by the court.

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